

# EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

# IN RE GOOGLE DIGITAL ADVERTISING ANTITRUST LITIGATION

Case No. 1:21-md-3010 (PKC)

*This Motion relates to:*

THE STATE OF TEXAS, et al.,

Plaintiffs,

- against -

Case No. 1:21-cv-6841 (PKC)

GOOGLE LLC,

Defendant.

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR LEAVE TO FILE  
JOINT AMICUS BRIEF OF PUBLISHER PLAINTIFFS IN OPPOSITION TO  
DEFENDANT GOOGLE LLC'S MOTION TO DISMISS THE STATES' THIRD  
AMENDED COMPLAINT**

Plaintiffs Genius Media Group, Inc., The Nation Company, L.P., The Progressive, Inc., on their own behalf and on behalf of those similarly situated (collectively, the “Publisher Class Plaintiffs”), the Direct Newspaper Plaintiffs,<sup>1</sup> and Plaintiffs Associated Newspapers Ltd. and Mail Media Inc. (the “Daily Mail Plaintiffs”) (Publisher Class Plaintiffs, Direct Newspapers Plaintiffs, and the Daily Mail Plaintiffs collectively referred to herein as the “Publisher Plaintiffs”) respectfully request that the Court grant leave to submit a Joint Amicus Brief in Opposition to Defendant Google LLC’s Motion to Dismiss the States’ Third Amended Complaint.

Publisher Plaintiffs request leave to submit a Joint Amicus Brief to provide a publisher-specific perspective on the issues raised by Google’s Motion to Dismiss (ECF 218) the States’ Third Amended Complaint (ECF 195). Publisher Plaintiffs focus on those issues bearing upon the sufficiency of the States’ claims as they relate to the interests of online publishers. A copy of the Proposed Joint Amicus Brief accompanies the Declaration of Philip Korologos in support of the instant motion as such declaration’s Exhibit A.

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<sup>1</sup> The “Direct Newspaper Plaintiffs” consist of AIM Media Indiana Operating, LLC, AIM Media Midwest Operating, LLC, AIM Media Texas Operating, LLC, Brown County Publishing Company, Inc. and Multi Media Channels, LLC, Clarksburg Publishing Company, d/b/a WV News, Coastal Point LLC, Eagle Printing Company, Ecent Corporation, Emmerich Newspapers, Incorporated, J.O. Emmerich & Associates, Inc., Delta Democrat Publishing Company, Commonwealth Publishing Company, Inc., Delta Press Publishing Company, Inc., Newton County Appeal Inc., Marion Publishing, Company, Yazoo Newspaper, Co., Inc., Sunland Publishing, Company, Inc., Simpson Publishing Co., Inc., Montgomery Publishing Co., Inc., Franklinton Publishing Co., Inc., Charleston Publishing Co., Inc., Clarion Publishing Company, Inc., Scott Publishing, Inc., Clarke Publishing, Inc., Hattiesburg Publishing, Inc., Tallulah Publishing, Inc., Louisville Publishing, Inc., Kosciusko Star-Herald, Inc., Enterprise-Tocsin, Inc., Grenada Star, Inc., Tate Record Inc., Flag Publications, Inc., Gale Force Media, LLC, HD Media Company, LLC, Journal Inc., Robinson Communications, Inc., Something Extra Publishing, Inc., Rome News Media, LLC, Times Journal, Inc., Neighbor Newspapers, Savannah Publishing Co., Inc., Gould Enterprises, Inc., Union City Daily Messenger, Inc., Weakley County Press, Inc., and Southern Community Newspapers, Inc.

While there “is no governing standard, rule or statute prescribing the procedure for obtaining leave to file an amicus brief in the district court,” an amicus brief usually should be allowed “when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Sec. & Exch. Comm'n v. Ripple Labs, Inc.*, 20 CIV. 10832 (AT), 2021 WL 4555352, at \*5 (S.D.N.Y. Oct. 4, 2021) (internal citations and quotation marks omitted). “Other functions served by *amicus curiae* are to provide supplementary assistance to existing counsel and insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision.” *United States v. Gotti*, 755 F. Supp. 1157, 1158 (E.D.N.Y. 1991).

Because the Publisher Plaintiffs provide a unique perspective that will help ensure a “complete and plenary presentation of difficult issues” in this case, *id.*, the Publisher Plaintiffs respectfully request that the Court grant the requested leave. In similar circumstances, this Court routinely grants motions for leave to file amicus briefs. *Ripple Labs, Inc.*, 2021 WL 4555352, at \*5 (permitting movants to serve as *amici* in part because they would “provide the Court with a meaningful perspective”); *C & A Carbone, Inc. v. County of Rockland, NY*, 08-CV-6459-ER, 2014 WL 1202699, at \*4 (S.D.N.Y. Mar. 24, 2014) (granting motion for leave to file amicus brief where amici’s insights differed from those that previously were examined); *see also AT&T Mobility LLC v. Gonnello*, 11 CIV. 5636 PKC, 2011 WL 4716617, at \*2 (S.D.N.Y. Oct. 7, 2011) (Castel, J.) (granting leave for multiple parties to appear as *amici curiae*).

For the reasons stated above, the Publisher Plaintiffs respectfully request that the Court grant its Motion for Leave to file a Joint Amicus Brief in Opposition to Defendant Google LLC's Motion to Dismiss the States' Third Amended Complaint.

This 24<sup>th</sup> day of March, 2022.

Respectfully submitted,

**For the Publisher Class Plaintiffs**

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